

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA	*	CASE NO. 1:19 CR 483
Plaintiff	*	
-VS-	*	JUDGE JOHN R. ADAMS
FLOYD RANDLE	*	
Defendant	*	<u>MOTION TO VACATE</u>
	*	<u>ORDER OF DETENTION</u>
	* * *	

Now comes Defendant, Floyd Randle, by and through the undersigned counsel, and hereby respectfully moves this Court to vacate the Order for Detention (Doc. #12). The reasons for this motion are set forth in the below Memorandum.

Respectfully submitted,

/S/ THOMAS M. BAUER JR.
THOMAS M. BAUER JR. #0073432
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MEMORANDUM

A Criminal Complaint was filed against Defendant Randle on July 18, 2019. On July 23, 2019, a hearing was held in front of Magistrate Judge Thomas Parker and the bond was set at \$20,000 unsecured with standard and special conditions. Thereafter, an indictment was filed against the Defendant on August 14, 2019. On August 29, 2019, Defendant appeared before this Court for an arraignment and was detained upon motion of the Court. The Government did not move for detention.

According to 18 §3142;

(e) Detention – (1) If, after a hearing pursuant to the provisions of subsection (f) of this section, the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

(f) Detention Hearing – The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) of this section will reasonably assure the appearance of such person as required and the safety of any other person and the community... (1) upon motion of the attorney for the Government, in a case that involves.. (2) upon motion of the attorney for the Government or upon the judicial officer's own motion, in a case that involves.. (A) a serious risk that such person will flee; or (B) a serious risk that such person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, a prospective witness or juror.

In this case, Defendant Randle poses no flight risk or serious risk of obstruction or harm to witnesses or jurors. Defendant Randle was out on bond from July 23, 2019 until he was detained on August 29, 2019. During that time, he never left the county and the pre-trial services officer stated that he had no violations while out on bond for a lengthy period of time. Also, Defendant Randle has a stable residence very close to the federal court. Further, the Government did not move for detention and pre-trial services did not recommend detention.

WHEREFORE, Defendant Randle respectfully requests that the Order for Detention be vacated.

/S/ THOMAS M. BAUER JR.
THOMAS M. BAUER JR.
Attorney for Defendant

PROOF OF SERVICE

I hereby certify that on this 30th day of August, 2019, a copy of the foregoing Motion to Vacate Order of Detention has been filed electronically. All parties may access this filing through the Court's system. Notice of this filing will be sent to all parties through the Court's system. All parties not served electronically will be served by regular U.S. Mail.

/S/ THOMAS M. BAUER JR.
THOMAS M. BAUER JR.
Attorney for Defendant